

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Applicants acknowledge, with thanks, the Examiner's remarks that Claims 16, 19 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of these remarks, applicants have added new Claims 21 and 22 in this Response. New Claim 21 is a combination of independent Claim 14 and allowable Claim 19, while new Claim 22 is a combination of independent Claim 14 and allowable Claim 20. Since the newly added claims include features deemed allowable by the Examiner, newly added Claims 21 and 22 are allowable over the art of record, namely U.S. Patent No. 6,500,743 to Lopatin et al. ("Lopatin"), in this case.

In addition to the newly added claims, applicants have also cancelled withdrawn Claims 11-13. Additionally, applicants have amended Claims 14, 17 and 18 in the manner indicated supra. Specifically, Claim 14 has been amended to positively recite that the upper gate conductor region is selected from the group consisting of polysilicon, Al, W, Ti, a silicide and any combination thereof. Support for this amendment to Claim 14 is found within the first paragraph appearing at page 10 of the originally filed application. Concerning Claims 17 and 18, those claims have been amended to include proper antecedent basis for the language added to Claim 14.

Since none of the above amendments to the claims introduces new matter into the instant application, entry thereof is respectfully requested.

Claims 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Lopatin.

Concerning the § 102(e) rejection, it is axiomatic that anticipation under § 102 requires that the prior art reference disclose each and every element of the claim to which it is applied. In re King, 801 F.2d, 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1996). Thus, there must be no differences between the subject matter of the claim and the disclosure of the prior art reference. Stated another way, the reference must contain within its four corners adequate direction to practice the invention as claimed. The corollary of the rule is equally applicable: Absence from the applied reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

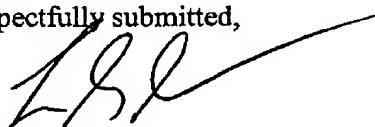
Applicants submit that the claims of the present application are not anticipated by the disclosure of Lopatin since the applied reference does not disclose applicants' claimed structure which includes, as one of the claimed elements, a T-gate located atop a portion of a gate dielectric, said T-gate comprises a recessed bottom polysilicon region and an upper gate conductor region, said upper gate conductor region has a width that is greater than a width of said bottom polysilicon region *and is selected from the group consisting of polysilicon, Al, W, Ti, a silicide and any combination thereof*. In contrast, Lopatin discloses a T gate structure where Cu is the one of the conductive materials specifically listed. Lopatin also discloses that other high conductivity metals including Ag, Au and alloys of these metals can be used. See Col. 4, lines 14-15. No additional conductive materials are listed, let alone the specific list, i.e., *polysilicon, Al, W, Ti, a silicide and any combination thereof*, that appears in Claim 14 of the present application.

Applicants observe that in Lopatin no definition is provided what is meant by "high conductivity" metal, therefore, one cannot determine the mete and bounds of the type of conductive materials contemplated in Lopatin besides those that are specifically mentioned therein, i.e., Cu, Au, Ag and alloys thereof.

The foregoing remarks clearly demonstrate that the applied reference does not teach each and every aspect of the claimed invention, as required by King and Kloster Speedsteel; therefore the claims of the present application are not anticipated by the disclosure of Lopatin. Applicants respectfully submit that the instant § 102 rejection has been obviated and withdrawal thereof is respectfully requested.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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